



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Stephenie Haney, Treasurer
Josh Guillory for Congress
323 E. University Avenue, Bldg. B
Lafayette, LA 70503

OCT 11 2018

RE: MUR 7426

Dear Ms. Haney:

On July 18, 2018, the Federal Election Commission ("Commission") notified Josh Guillory for Congress and you in your official capacity as treasurer of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On October 10, 2018, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Josh Guillory for Congress and you in your official capacity as treasurer violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1518.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: 
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7426

**Respondents: Josh Guillory for Congress and
Stephanie Haney, as Treasurer
(the "Committee")¹**

Complaint Receipt Date: July 13, 2018

Response Date: September 6, 2018

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30104(a)(2)(A)(i)
11 C.F.R. § 104.5(a)(2)(i)**

The Complaint alleges that the Committee failed to file a 2018 Pre-Primary Report, which was due on July 8, 2018. The Response admits that the Committee's 2018 Pre-Primary Report was filed late, on July 13, 2018.²

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the fact that the 2018 Pre-Primary Report was filed only five days late, we recommend that the

¹ Guillory is a 2018 candidate for the U.S. House of Representatives in Louisiana's Third District.

² The Committee's report was filed 5 days late, which does not meet RAD's Standard for referral to the Administrative Fines Program (*i.e.*, Standard 4 of the RAD Review and Referral Procedures requires, among other criteria, that a report be filed more than 5 days after the due date to be referable).

Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel

9.20.18
Date

BY: Stephen Gura
Stephen Gura
Deputy Associate General Counsel

Jeff S. Jordan
Jeff S. Jordan
Assistant General Counsel

Kristina Portner
Kristina M. Portner
Attorney